

# **Decision Notice and Finding of No Significant Impact for the Hickison Wild Burro Territory Project**

USDA Forest Service  
Austin/Tonopah Ranger District  
Humboldt-Toiyabe National Forest  
Lander and Nye Counties, Nevada

## **Introduction**

The project area is located on the Austin/Tonopah Ranger District approximately 20 miles east of Austin, Nevada, in Lander and Nye Counties. The Hickison Wild Burro Territory consists of 52,570 acres of National Forest System land on the northwestern portion of the Toiyabe mountain range. It occurs within the Toiyabe Management Area of the forest plan. The territory is adjoined by the Bureau of Land Management's Hickison Herd Management Area (57,275 acres). The decision for this project will not alter management in the Hickison Herd Management Area. The Hickison wild burro herd utilizes both of these areas, and they are collectively referred to as the Hickison Wild Burro Joint Management Area.

Forest Service regulations for implementing the Wild Free-Roaming Horse and Burro Act of 1971 are found at 36 CFR 222. The regulations direct the Forest Service to remove excess wild horses or burros as follows:

### **§222.69 Relocation and disposal of animals.**

(a) The Chief, Forest Service, shall, when he determines over-population of wild horses and burros exists and removal is required, take immediate necessary action to remove excess animals from that particular territory. Such action shall be taken until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from deterioration associated with overpopulation.

There is a need to achieve and maintain the Hickison wild burro herd in a thriving natural ecological balance and to advance cooperative efforts with the Bureau of Land Management across the joint management area. Therefore, the purpose of this project is to establish lower and upper appropriate management levels for the wild burro territory, consistent with appropriate management levels established by the Bureau of Land Management for the herd management area. In addition, the purpose of this project is to identify population management actions to be implemented in cooperation with the Bureau of Land Management when wild burro numbers exceed or fall below the established appropriate management level range. This decision guides revision of the 1979 territory management plan for the Hickison Wild Burro Territory. The environmental assessment provides more detail regarding the project purpose and need; and its consistency with law, regulation, and other direction.

## **Decision**

Based upon my review of alternatives, I have decided to select elements from both the proposed action and alternative 3 whereby the Hickison Wild Burro Territory and wild burro herd will be managed as a self-sustaining population of healthy animals in a thriving natural ecological balance with other uses and within the productive capacity of their habitat. Specifically this decision:

- Establishes the lower appropriate management level at 16 adult wild burros and the upper appropriate management level at 45 adult wild burros for the Hickison Wild Burro Territory. This element is identical to the appropriate management levels prescribed under the proposed action and alternative 3 described in the environmental assessment.
- Authorizes population management actions including:
  - ◆ Gathering and removing burros that consistently reside outside of the territory. This element is similar to the proposed action, except that only animals consistently residing outside the territory will be gathered and removed;
  - ◆ Gathering and removing burros when the upper appropriate management level is exceeded or use a combination of removal and fertility control methods to reduce the herd to the lower appropriate management level. This action combines elements of both the proposed action and alternative 3; and
  - ◆ Coordinating with the Bureau of Land Management to augment the wild burro herd if the population falls below the lower appropriate management level. This element is identical to the proposed action and alternative 3.
- Utilizes adaptive management: Coordinate with the Bureau of Land Management to augment the wild burro herd based on genetic diversity monitoring results. This adaptive management element is identical to that of the proposed action and alternative 3. However, adaptive management adjustments based on vegetation monitoring (utilization monitoring, changes in plant composition) will not occur under this decision, in contrast with the proposed action and alternative 3.

Each of these actions is described in detail below. An updated territory management plan has been prepared using the elements from the proposed action and alternative 3 described above. The new territory management plan guides management of the territory as part of a larger biological unit as expressed by the administratively designated joint management area identified in this action. The combined appropriate management level for the joint management area is the foundation for future management and achievement of a thriving natural ecological balance to promote a healthy, self-sustaining wild burro population. Implementation including preparation of the territory management plan will begin as early as summer of 2018. The territory management plan is in effect indefinitely unless conditions change that would warrant additional environmental analysis and development of an updated territory management plan.

### **Appropriate Management Levels**

This decision establishes the lower and upper appropriate management levels for the Hickison Wild Burro Territory at 16 and 45 adult burros, respectively, for seven months of each year. The majority of the herd occupies the wild burro territory during late spring, summer and fall. Bureau of Land Management personnel have already established upper and lower appropriate management levels for the adjacent Hickison Herd Management Area at 16 and 45 wild burros for five months of each year (late fall, winter, and early spring). Therefore, harmonizing the appropriate management levels between the Hickison Wild Burro Territory and the herd management area will allow the areas to be managed as a joint management area with a year round capacity of 16 to 45 animals for 12 months. Accordingly, the wild burro herd that inhabits the joint management area will be managed for a minimum population of 16 adults and a maximum population of 45 adults. The process used to determine the proposed appropriate management level range is described in appendix A of the wild burro specialist report.

## Population Management Actions

This decision authorizes the Austin/Tonopah District Ranger or his or her delegate or agent to remove and/or relocate any excess wild burros located in the Hickison Wild Burro Territory or adjacent National Forest System lands. It also authorizes herd augmentation in coordination with the Bureau of Land Management if the herd falls below the lower appropriate management level. To ensure the safe and humane treatment of wild burros, gathers and handling will be conducted by authorized Forest Service personnel, Bureau of Land Management personnel, or both or authorized contractors using standard operating procedures outlined in Bureau of Land Management IM-2015-151, Comprehensive Animal Welfare Program for Wild Horse and Burro Gathers. Examples of standard operating procedures are also included in the project record.

### *Gather and Remove Animals that Consistently Reside Outside of Territory*

Burros that consistently reside outside the territory will be gathered and removed from National Forest System lands if the Hickison wild burro herd population is over the mid appropriate management level (30 adults) or gathered and returned to the territory if the herd population is under the mid appropriate management level. Removed animals will be sold, adopted, or placed in holding facilities. Nuisance animals on private and other lands outside the joint management area, including those causing a public safety hazard, will continue to be removed at the landowners' request, regardless of herd population size. This approach emphasizes the removal of animals conditioned to using areas outside the territory and considers the potential influence of herd size on animal distribution and behavior. This action is also part of current management (the no-action alternative) and consistent with 36 CFR 222.66.

### *Gather and Remove or Treat with Fertility Control Methods and Release When Upper Appropriate Management Level is Exceeded*

In coordination with Bureau of Land Management personnel, animals will be gathered and removed; or treated with fertility control methods (not including sterilization) and released, when the Hickison wild burro herd population exceeds the upper appropriate management level (45 adults). The herd will be reduced to the lower appropriate management level (16 adults). Burros will typically be gathered via bait trapping, but helicopters may be used to assist during gathers if bait trapping is ineffective. Gathers will be used as opportunities to manage for a natural sex ratio of one male to one female (1:1).

Rather than placing gathered animals in long-term holding facilities for adoption or sale, my preference is for an expeditious post-gather adoption following health inspections at a nearby municipal facility. In combination with animal removal, some animals may be treated with fertility control methods and released back into the Hickison herd. Jennies (female burros) will be administered the fertility control vaccines porcine zona pellucida (PZP), PZP-22, or a combination of the two as appropriate or Gona-Con. Wild burros will either be bait trapped, treated with the vaccine by jab stick and released, or approached on foot and darted with a vaccine dose using a dart rifle. If new fertility control vaccines are developed, they may be used provided effects to burros are consistent with those analyzed in the environmental assessment for porcine zona pellucida and Gona-Con.

### *Coordinate Augmentation with Bureau of Land Management Personnel if the Herd Falls below the Lower Appropriate Management Level*

Humboldt-Toiyabe National Forest personnel will coordinate with Bureau of Land Management personnel to augment the herd if numbers fall below the lower appropriate management level. To promote genetic diversity, wild burros from a different herd will be released into the Hickison wild burro herd. One or two young jennies from herds living in similar environmental conditions will be



introduced from outside the joint management area. The introduced animals will not be selected to promote particular physical characteristics in the herd's offspring.

### **Adjustments Based on Genetic Diversity**

Hair samples will be collected after the first gather, and periodically thereafter, from burros gathered in the vicinity of the wild burro territory. Hair samples will be used to monitor the heterozygosity (genetic diversity) of the herd. If monitoring indicates that genetic diversity has decreased to such a degree that it threatens the long-term survival of the herd, the genetic diversity of the herd will be augmented by releasing wild burros from a different herd into the Hickison wild burro herd. One or two young jennies from herds living in similar environmental conditions will be introduced from outside the joint management area. The introduced animals will not be selected to promote particular physical characteristics in the herd's offspring.

### **Design Features**

My decision includes design features for avoiding and minimizing impacts to Humboldt-Toiyabe National Forest resources (see appendix A, page 11).

### **Decision Rationale**

By combining elements of the proposed action and alternative 3, this decision allows flexibility in determining how and when to gather animals and how to manage the gathered animals once they are removed from the joint management area.

After examining the purpose and need and alternatives, I have decided to select elements from both the proposed action and alternative 3. My decision responds to the need to manage the burro population in a way that is flexible, based on the results of monitoring, and that sustains the natural resources within, and surrounding, the project area. This will manage the Hickison Wild Burro Territory and wild burro herd as a self-sustaining population of healthy animals in a thriving natural ecological balance with other uses and within the productive capacity of their habitat as required by Public Law 92-195, the 1971 Wild Free-Roaming Horses and Burros Act, as amended.

Based on the environmental assessment (in the "Wild Burros" section), the management of 16 to 45 adult wild burros will ensure adequate forage and water supplies to support the herd on a year-long basis for the long term. Maintaining the wild burro population at this appropriate management level range will improve ecological conditions for upland and riparian habitats ("Rangeland Resources" section in the environmental assessment). The appropriate management level range is wide enough so gathers to maintain appropriate management level will only be necessary every 5 to 8 years, preventing annual disruption of social structure and disturbance to the animals in their habitat. Additionally, the analysis shows competition for space, cover, forage and water will be reduced among the burros and other uses, including livestock and wildlife ("Wild Burros" section in the environmental assessment).

The implementation of fertility control (page 3) will slow the annual rate of increase to below the average of approximately 15 to 20 percent currently being experienced. I believe monitoring genetic health and possible herd augmentation will allow us to maintain genetic diversity objectives for this herd.

Finally, the decision includes design features to avoid or minimize potential negative environmental impacts, address comments and concerns raised by both the public and interdisciplinary team members during the development and analysis of the project. By identifying necessary project design features and analyzing the environmental consequences of the proposed action and alternatives, potential

impacts to cultural resources, wild burros, wildlife, rangeland resources and vegetation, water quality, soils, botanical resources, and social and economic resources were considered.

## **Alternatives Considered**

In making my decision, I considered three alternatives. The environmental assessment (Environmental Consequences section) provides a comparison of the effects from each of the alternatives.

### **No Action**

The no-action alternative would continue the current management of the Hickison Wild Burro Territory on National Forest System lands, as described in the 1979 territory management plan. No appropriate management levels would be established and no gathers would occur on National Forest System lands. The population of the wild burros would be allowed to grow, with the exception of gathers conducted by Bureau of Land Management personnel in the adjoining Hickison Herd Management Area or gathers to remove nuisance wild burros from private lands and along the State highway rights-of-way outside the territory.

Other existing activities, including permitted livestock grazing, would continue to occur, and new independent actions could be analyzed and implemented under separate environmental analysis. The no-action alternative would not address the need to establish population management actions so that herd sizes can be monitored and maintained within the established appropriate management level range or comply with current forest plan direction.

### **Alternative 2—Proposed Action**

The proposed action was designed to maintain the wild burro population associated with the Hickison Wild Burro Territory in a thriving natural ecological balance. The proposed action would:

- establish lower and upper appropriate management levels (16 to 45 adult wild burros) for the Hickison Wild Burro Territory;
- authorize population management actions; and
- approve an adaptive management process based on monitoring.

Although one of the purposes of this project is to align management of the Forest Service's Hickison Wild Burro Territory with the Bureau of Land Management's Hickison Herd Management Area, this is not a joint analysis with the Bureau of Land Management. None of the elements of the proposed action would alter or control Bureau of Land Management actions in the herd management area.

### **Alternative 3**

Alternative 3 was developed in response to the issue of potential costs of the proposed action. This alternative would reduce the Hickison Wild Burro Territory population to appropriate levels without placing wild burros in long-term holding facilities. A variety of population management actions would be used, depending on whether the wild burros are inside or outside the Hickison Wild Burro Territory. These methods would also be used to maintain the wild burro herd population within the proposed appropriate management levels. In contrast with the proposed action, alternative 3 utilizes fertility control methods, including sterilization; opportunistic gathers of burros; and more emphasis on use of short-term holding facilities. Similar to the proposed action, alternative 3 would:

- establish lower and upper appropriate management levels (16 to 45 adult wild burros) for the Hickison Wild Burro Territory;

- authorize population management actions; and
- approve an adaptive management process based on monitoring.

Although one of the purposes of this project is to align management of the Forest Service's Hickison Wild Burro Territory with the Bureau of Land Management's Hickison Herd Management Area, this is not a joint analysis with the Bureau of Land Management. None of the elements of alternative 3 would alter or control Bureau of Land Management actions in the herd management area.

## Public Involvement and Scoping

The project has been listed in the Humboldt-Toiyabe National Forest schedule of proposed actions (<https://www.fs.fed.us/sopa/forest-level.php?110417>) since January 1, 2013. A legal notice soliciting public comment (30-day) on the proposed action was published in the Battle Mountain Bugle (the newspaper of record) on March 6, 2013. On March 5, 2013, a scoping package describing the proposed action was mailed to approximately 130 individuals, agencies and organizations; and information regarding the project was posted on the Humboldt-Toiyabe National Forest website. We notified or consulted with Federal, Tribal, State, and local agencies regarding the proposal (see "Tribal Consultation and Coordination" and "Agencies and Persons Consulted" sections in the environmental assessment). The responsible official met with representatives from the Lander County Commission; Nye County, and Eureka County, and the Natural Resource Advisory Commission to discuss the proposal at the scoping stage. Information regarding the proposed action was posted on the Humboldt-Toiyabe National Forest website at <https://www.fs.usda.gov/project/?project=40995>.

We received 1,253 comment letters from the public and interested parties. Of these, 61 letters were unique containing substantive comments relevant to the project. All others were form letters (830) or duplicates (362) containing already-submitted information. The Forest Service interdisciplinary team and district ranger considered all public comments received and organized the comments into 28 concerns. These concerns, associated comments, and our response to each concern are included in the "Response to Comment" document available in the project record and on the project website (<https://www.fs.usda.gov/project/?project=40995>).

Some comments raised the issue of economic impacts and costs of the proposed action and, in particular, the costs of placing wild burros in long-term holding facilities. The environmental assessment evaluated these costs across all alternatives. Alternative 3 was developed to evaluate and compare the costs of not placing wild burros in long-term holding facilities and implementing other population management actions not considered under the proposed action (alternative 2).

Also, based on public and internal scoping, we refined the project to omit the "reconstruction of water developments" as initially proposed in the March 2013 notice of proposed action. Instead, we determined such activities would occur under existing or separate environmental analysis, as appropriate.

## Finding of No Significant Impact

The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15, chapter 40. Supporting and relevant sections of the environmental assessment are referenced where appropriate. "Significant" as used in National Environmental Policy Act requires consideration of both context and intensity (described below) of the expected project effects.



## Context

Context means the significance of an action must be analyzed in several contexts (local regional, worldwide), and over short and long time frames. For site-specific actions, significance usually depends upon the effects in the local rather than in the world as a whole. This project is limited in scope and duration.

The proposed action and alternatives described in the environmental assessment are site-specific actions which primarily affect the natural resources of the Austin/Tonopah Ranger District, particularly the Hickison Wild Burro Territory. Although there was a fair amount of public interest outside the area, there is no significant effect to a larger portion of Nevada, the region, the Nation, or outside the United States.

My decision for the Hickison Wild Burro Territory Management will not pose significant short- or long-term adverse effects, as disclosed in the environmental assessment ("Environmental Consequences" section) and supporting documentation. Proposed activities are consistent with objectives in the Toiyabe National Forest Land and Resource Management Plan (forest plan), as amended, and all applicable laws, regulations, and policy ("Consistency with Forest Plan Direction" section in the environmental assessment).

## Intensity

Intensity refers to the severity of the expected project impacts and is defined by the 10 points below.

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.

Effects, both beneficial and adverse, and their significance have been evaluated for all the alternatives considered. None of the adverse effects were determined to be significant, singularly or in combination. The beneficial effects of the action do not bias my finding of no significant environmental impacts. The anticipated environmental effects and their intensity have been disclosed for each alternative in the environmental assessment ("Environmental Consequences" section). Beneficial impacts were not used to minimize the severity of any adverse impacts.

The proposed uses of National Forest System lands will not result in any known significant irreversible resource commitments or a significant irreversible loss of resources including wild burros, wildlife, rangeland resources, water quality, soils, botanical resources, or social and economic resources (see respective sections of the environmental assessment for details). Project design features will be implemented as part of the decision to avoid or minimize impacts to forest resources. In reaching my conclusion of no significant impacts, I recognize this project is likely to have impacts that are perceived as negative as well as positive.

2. The degree to which the proposed action affects public health or safety.

There were no effects on public health and safety identified from implementation of the proposed action.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no effects on unique characteristics in the area. There are no park lands, prime farmlands, wetlands, or ecologically critical areas located within the project area. There are no

congressionally designated special areas such as wilderness and wild and scenic rivers.

The Hickison Wild Burro Territory includes portions of the following inventoried roadless areas in the Humboldt-Toiyabe National Forest: Toquima Cave, Sam's Spring, Petes Well, and Iron Spring. The areas are identified in the 2001 Roadless Conservation Rule (36 CFR 294). The environmental analysis found the decision will have no effect, to a stable or improving effect, on all nine roadless qualities for each inventoried roadless area.

Additionally, the capability of each inventoried roadless area to be considered for a future wilderness area will not be altered by this decision, and may be improved as a result of implementation of the project ("Roadless Areas" section in the environmental assessment).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

"Highly controversial" in the context of 40 CFR 1508.27(b) (4) refers to substantial disagreement within the scientific community about the environmental effects of the proposed action. It does not refer to expressions of opposition or support or to differences of opinion concerning how public lands should be managed. Although the project may be viewed by some as controversial, the effects of my decision are not likely to be highly controversial in a scientific sense. No evidence has been presented which raises substantial questions as to the correctness of the environmental consequences that have been estimated. Not all the comments received from the public were in full support of this project. After reviewing the project record and environmental assessment, I am confident the interdisciplinary team reviewed these comments and concerns and incorporated them into alternatives or addressed them in the appropriate resource section. Portions of the public disagree with various components of the project and have raised concerns related to the proposed action and alternative. Based on the analysis presented in the EA and project record there is not an unusual or high degree of scientific disagreement related to the effects of this project.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The survey and analytical methodologies used to describe the affected environment and environmental effects follow established practices and requirements. The environmental assessment did not identify any environmental effects or environmental risks that could not be described using available tools and methodologies. The actions proposed were designed to achieve the objectives identified in the Toiyabe forest plan as amended, and in conformance with the 1971 Wild Free-Roaming Horses and Burros Act, as amended. The analysis shows the effects of the action are not uncertain and do not involve unique or unknown risks. This conclusion is based on the consideration of results from other similar projects; past local experience; and expected environmental consequences based on the best available scientific information. These effects are well known and documented through similar projects throughout the West.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This project does not set a precedent for any future action(s) and follows established procedures and agency roles and responsibilities under the legal and regulatory framework. As described in the environmental assessment, the agency has been managing the Hickison wild burro resource since the 1970s. Under this decision, future adjustments in management for the Hickison Wild Burro Territory appropriate management levels will be based on the evaluation of herd monitoring data.



7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The cumulative effects of the project, in conjunction with past, present, and reasonably foreseeable future actions, (for example, livestock grazing, sage-steppe restoration projects, range improvement construction and maintenance, etc.), have been analyzed and found to be relatively minor for all resources. The cumulative impacts have been analyzed and are not significant. Cumulative effects on each resource are discussed in the environmental assessment ("Environmental Consequences" section).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

This action will not cause loss or destruction of significant scientific, cultural, or historical resources. The selected actions are expected to result in reduced levels of site disturbance and degradation. Humboldt-Toiyabe National Forest personnel evaluated the impacts of proposed project activities in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 USC 470), as amended, and determined activities will not affect religious, cultural, archaeological sites or historic properties under any of the alternatives. Project-specific design features, such as conducting archaeological surveys in project-specific areas, further ensure cultural resources are protected with their implementation. Nevada State Historic Preservation Office personnel concurred with this determination on January 8, 2014, in compliance with the National Historic Preservation Act. Additionally, the Duckwater Shoshone Tribe and Yomba Shoshone Tribe have had the opportunity to review the project for potential concerns, and none were identified. See the environmental assessment ("Cultural Resources" section) for more details.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

An official list of threatened, endangered, and proposed species to consider during this analysis was obtained from the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) website on May 8, 2018. There are no suitable habitats in the analysis area for threatened, endangered, proposed, or candidate species. Therefore, the project will have no effect on these species or their habitats. For more details, see the environmental assessment ("Wildlife" and "Botanical Resources" sections); and wildlife and botany specialist reports in the project record.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

This action is in conformance with Federal, State, and local laws or requirements related to the protection of the environment. Applicable laws and regulations were considered in my decision as noted in the following sections in the environmental assessment: "Consistency with Forest Plan Direction", "Consistency with Other Direction", "Tribal Consultation and Coordination", "Proposed Action and Alternatives", and "Design Features Common to All Action Alternatives". Specialist reports, located in the project record, contain additional supporting documentation.

## Conclusion

After considering the environmental effects described in the environmental assessment and specialist reports, I have determined my decision will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

## Findings Required by Other Laws and Regulations

My decision is consistent with the intent of the forest plan's long-term goals and objectives including direction for cultural resources, sensitive plants, range management, wild horses and burros, riparian areas, wildlife and fish, greater sage-grouse, and other resources. The project was designed in conformance with forest plan standards and incorporates appropriate standards and guidelines for meeting desired conditions. Forest plan consistency is documented in the environmental assessment ("Consistency with Forest Plan Direction" and "Consistency with Other Direction" sections) and in specialist reports located in the project record.

I find all applicable State and Federal requirements associated with State water quality laws and the Clean Water Act will be met through planning, application, monitoring and adjustments in conformance with the Clean Water Act and Federal guidance and management direction.

Please refer to the environmental assessment and the following discussions in this document for compliance with other laws and regulations: Wild Free-Roaming Horses and Burros Act (page 8), National Historic Preservation Act (page 9), and Endangered Species Act (page 9).

## Pre-decisional Opportunity to Object

This proposed decision was subject to objection pursuant to 36 CFR 218, subparts A and B. The Objection period for this project ended at midnight on July 23, 2018. No objections were received during the 45 objection period.

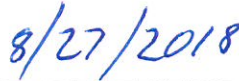
## Implementation

The project may be implemented as early as summer of 2018. The responsible official may not sign the decision notice until the reviewing officer has responded to all objections (36 CFR 218.12(a)). If no objection is filed, approval of the project (signing of the decision notice) may not occur until the 5<sup>th</sup> business day following the close of the objection filing period (36 CFR 218.12(c)).

For further information concerning this project, contact Lance Brown, District Ranger, during normal business hours (weekdays, 8:00 a.m. to 4:30 p.m. PST) at (775) 964-2671; or email [Lance Brown](mailto:lanbrown@fs.fed.us) at [lanbrown@fs.fed.us](mailto:lanbrown@fs.fed.us).



Lance Brown  
District Ranger  
Austin Ranger District  
Humboldt-Toiyabe National Forest



Date

## **Appendix A. Design Features**

Design features are implemented to avoid or minimize potential impacts from the action alternatives to forest resources. Design features are applied in conjunction with forest plan and other applicable direction. The entire list of design features as described in the environmental assessment (see "Design Features Common to All Action Alternatives" section) will be implemented as part of my decision.

### **General**

- No temporary or permanent roads will be constructed in the proposed project area.

### **Cultural Resources**

- In project specific areas, an archaeological survey will be conducted to identify cultural resources to meet Forest Service responsibilities under the National Historic Preservation Act. A cultural resource report of survey results and determination of significance and effect will be prepared in consultation with the Nevada State Historic Preservation Office. Standard procedures for protecting cultural resources will be followed.
- Temporary facilities for gathers and handling, which will entail the construction of temporary fences, will fall under the national programmatic agreement among the Forest Service, the Advisory Council of Historic Preservation and the National Conference of State Historic Preservation Officers regarding rangeland management activities and the Memorandum of Understanding between the Humboldt-Toiyabe National Forest and the Nevada State Historic Preservation Office.
- Potentially affected Tribes including the Duckwater Shoshone Tribe and Yomba Shoshone Tribe were contacted and provided the scoping notice for the proposal. Further coordination with Tribes will occur throughout the planning process and as appropriate during implementation.

### **Sensitive Plants**

- Future planned activities that would be likely to concentrate wild burro use (such as placement of temporary handling facilities) will be designed to avoid known sensitive plant locations.
- Future wild burro concentrating activities will not occur in potential habitat for sensitive plant species until surveys are performed. If sensitive plants are found, the population will be avoided.
- All machinery used for gathering activities will be thoroughly cleaned of all soil and plant materials and inspected by a qualified Forest Service employee prior to entering the project area.
- No machinery of any kind will pass through known invasive species infestations.
- Any seed mix used for restoration efforts after must be approved by the zone botanist or Humboldt-Toiyabe National Forest botanist.



## Wildlife

- Temporary holding corrals will be located outside of contiguous sagebrush habitat, preferably in previously disturbed areas (for example, roads, gravel pits) located greater than 2 miles from known active leks.
- Artificial water sources used as bait traps will adhere to the bat conservation international water development standards and will be designed with a lip and rim wide enough to accommodate perched raptors or passerines, a water level high enough for raptors or passerines to safely access, and properly installed escape ramps to reduce drowning and entrapment risks.
- Bait stations will be placed outside of healthy willow stands and other riparian areas to protect these areas from being trampled and consumed by captured wild burros.
- Gather operations will include the following timing restrictions:
  - ◆ Gather activities will be restricted to occur outside primary portions of the breeding seasons for greater sage-grouse, migratory birds, and raptors (February 15 to June 30).
  - ◆ To minimize disturbances to nesting golden eagles, the district wildlife biologist will be contacted for any necessary avoidance measures regarding gather operations taking place in proximity to known golden eagle nest sites during the period July 1 to August 31.
  - ◆ The district wildlife biologist will be contacted for any necessary avoidance measures regarding gather operations taking place outside the period February 15 to June 30, and during northern goshawk breeding and nesting dates (April 15 to July 31) to minimize disturbances to nesting northern goshawk.

## Noxious and Invasive Weeds

To reduce the potential for the introduction or spread of noxious and invasive weeds in the territory during gather operations:

- All hay brought onto National Forest System lands will be certified weed free (R-4 Weed-Free Hay Order 04-00-097, dated February 11, 2003);
- All potential gather trap sites, bait trap sites, and temporary holding facilities will be inventoried for noxious weeds before construction;
- All vehicles or equipment used to implement the proposed action will be free of dirt, mud, or visible plant debris before moving into the project area;
- All gather sites, holding facilities, and camping areas on National Forest System lands will be recorded with GPS equipment and monitored for weeds during the next several years; and
- As needed, control of noxious weeds and invasive species will be conducted under the 2001 Noxious Weed Management and Control Program decision notice (USDA Forest Service 2001).

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